

February 13, 2006

DOCKET FILE COPY ORIGINAL

Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

Re: Request for Review Regarding Letter of Appeal – (CC Docket No. 02-6)

To Whom It May Concern:

I'm requesting an appeal to The USAC Administrator's Decision on Appeal for funding year 2005 (see attached).

Applicant: De Soto Unified School District 232
Form 471: 476682
Billed Entity Number 137552
Applicant Form ID: ESAB232-05

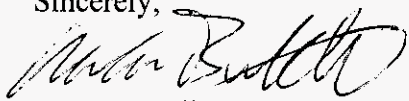
The denial reason for this application initially was due to "insufficient documentation". USAC claims that I did not respond to PIA's request for additional information. PIA attempted to reach me during the summer months when I was unable to collect the information necessary to respond to their request. I put in a request via fax for the application to be "differed".

USAC states on their denial of the appeal that they did not receive my request though I have a fax confirmation that says it was received. I attempted to reach the PIA representative that was handling my application after I had sent my request to differ this application but was unable to reach them nor did he return my call.

I'm requesting that this to be reviewed and overturned. During the review of my appeal I was contacted by Jessica Olsen at PIA and provided all the information originally a part of the PIA review within a timely manner. Currently USAC and The SLD have all the information they need to approve this application as provided by my office.

Please see my attached original letter and their response. Contact me if you have any questions or require any additional Documentation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aaron Butell', written in a cursive style.

Aaron Butell

E-rate Contact

785-840-0100 ext 101

August 26, 2005

Letter of Appeal
Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Re: Letter of Appeal – Funding Year 2005

To Whom It May Concern:

Applicant: De Soto Unified Sch Dist 232
Form 471: 476682
Billed Entity Number: 137552
Applicants Form ID: ESAB232-05

The 471 Application in question was under review in PIA by Representative Robert Sheldon. At his suggestion, on Thursday May 12, 2005 I requested for this application to be "differed". At the time I was unable to collect the information by the expiration of the 7day window allowed due to availability of the school's staff. The Technology Staff has since then been replaced.

After I had faxed him my request I attempted to contact him via phone to confirm his receipt of this request but was unable to reach him. I have attached a copy of my original written request for this application to be Differed and am asking to re-open this application so I may provide the remaining additional documentation required by PIA.

Please contact me once this letter is received so that I may Fax over the necessary paperwork.

Sincerely,



Aaron Butell
E-rate Contact
785-840-0100 ext. 101



December 15, 2005

Re: Applicant Name:

DE SOTO UNIFIED SCH DIST 232

Billed Entry Number:

137552

Form 471 Application Number

476682

Funding Request Number(s)

1344533, 1344584, 1344623, 1344867, 1344950;

1341973, 1342001, 1342032

Your Correspondence Dared:

August 26, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s)

1341533, 1341584, 1341623, 1341867, 1341950,

1341973, 1342001, 1342032

Denied

Decision on Appeal:
Explanation:

- In your appeal letter, you state that you sent a summer deferral fax on May 12, 2005 to PLA. You also state that you attempted to contact PLA via phone to confirm receipt of your fax requesting deferral, but were unable to reach him. You close by asking SLID to re-open your application so you may provide additional documentation required by PLA.

- Upon thorough review of the appeal and its relevant supporting documentation, the SLID could find no evidence that you responded to PLA's inquiries. Your appeal included a copy of a fax dated May 12, 2005 that you sent to PLA requesting a deferment. During the appeal review you provided a copy of the fax

log for May 12, which you state indicates that the fax was sent successfully. After further investigation and review of SLD's fax archives, there is no evidence that SLD received faxes from your fax number on the dates stated in your appeal letter. Therefore, SLD supports PLA's initial decision.

- During the review of your Form 471, SLD sought additional information from you and notified you that this information needed to be provided within 7 days. You did not provide this information within 7 days or within any extended timeframe we agreed upon, or the information that you provided was insufficient to complete your Form 471 application. Consequently, SLD denies your appeal.
- SLD reviews Form 471 applications and makes funding commitment decisions in compliance with FCC rules. See 47 C.F.R. § 54.500 et. seq. To conduct these reviews, SLD has put in place administrative measures to ensure the prompt resolution of applications. See *Request for Review by Marshall County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Red. 4520, DA 03-764, ¶ 6 (rel. Mar. 13, 2003). (*Marshall County*) One such measure is that applicants are required to respond to SLD's requests for the additional information necessary to complete their application within 7 days of being contacted. Id., SLD section of the USAC web site, Reference Area, "Deadline for Information Requests," www.sl.universalservice.org/reference/deadline.asp. This procedure is necessary to prevent undue delays during the application review process. See *Marshall County* ¶ 6. If applicants do not respond within this time period, SLD reviews the application based on the information before it.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

cc: Ben Crosier